

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

SIXTY-FIFTH LEGISLATIVE DAY
TUESDAY, MARCH 16, 2004

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Brandt, Bunderson, Burkett, Cameron, Noble, Pearce, and Schroeder, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Michelle Knox, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 15, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Burkett and Cameron were recorded present at this order of business.

March 16, 2004

The JUDICIARY AND RULES Committee reports that **S 1446**, **S 1447**, and **SJM 110** have been correctly printed.

DARRINGTON, Chairman

S 1446 was referred to the State Affairs Committee.

S 1447 was referred to the Local Government and Taxation Committee.

SJM 110 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 15, 2004

The JUDICIARY AND RULES Committee reports that **S 1430** and **S 1431** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1430** and **S 1431** and ordered them transmitted to the House for the signature of the Speaker.

March 15, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1234**, as amended, **S 1240**, **S 1241**, **S 1242**, **S 1250**, **S 1251**, **S 1263**, **S 1274**, **S 1281**, **S 1291**, **S 1299**, **S 1306**, **S 1318**, and **S 1320** were delivered to the Office of the Governor at 2:10 p.m., March 15, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 15, 2004

The JUDICIARY AND RULES Committee reports that **S 1279**, as amended, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1279, as amended, as amended in the House, was filed for first reading.

March 15, 2004

The STATE AFFAIRS Committee reports out **S 1446** with the recommendation that it do pass.

SORENSEN, Chairman

S 1446 was filed for second reading.

March 15, 2004

The EDUCATION Committee reports out **H 728**, as amended, with the recommendation that it do pass.

SCHROEDER, Chairman

H 728, as amended, was filed for second reading.

March 15, 2004

The STATE AFFAIRS Committee reports out **HJM 21**, **H 778**, and **H 752**, as amended, with the recommendation that they do pass.

SORENSEN, Chairman

HJM 21 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 778 and **H 752**, as amended were filed for second reading.

March 15, 2004

The JUDICIARY AND RULES Committee reports out **H 590**, as amended, **H 751**, as amended, and **H 771** with the recommendation that they do pass.

DARRINGTON, Chairman

H 590, as amended, **H 751**, as amended, and **H 771** were filed for second reading.

March 15, 2004

The EDUCATION Committee reports out **S 1444** with the recommendation that it do pass.

SCHROEDER, Chairman

S 1444 was filed for second reading.

March 16, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **S 1417** with the recommendation that it do pass.

NOH, Chairman

S 1417 was filed for second reading.

March 16, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **H 544**, as amended, and **H 745** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

NOH, Chairman

There being no objection, **H 544**, as amended, and **H 745** were referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Brandt, Bunderson, and Pearce were recorded present at this order of business.

March 15, 2004

Mr. President:

I transmit herewith **H 817** which has passed the House.

JUKER, Chief Clerk

H 817 was filed for first reading.

March 15, 2004

Mr. President:

I return herewith **S 1282**, **S 1256**, **S 1257**, **S 1258**, **S 1259**, **S 1260**, **S 1371**, **S 1276**, **S 1382**, **SCR 129**, **S 1311**, and **SJM 109** which have passed the House.

JUKER, Chief Clerk

S 1282, **S 1256**, **S 1257**, **S 1258**, **S 1259**, **S 1260**, **S 1371**, **S 1276**, **S 1382**, **SCR 129**, **S 1311**, and **SJM 109** were referred to the Judiciary and Rules Committee for enrolling.

March 15, 2004

Mr. President:

I transmit herewith Enrolled **HCR 49** and **HCR 46** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 49** and **HCR 46** and ordered them returned to the House.

March 15, 2004

Mr. President:

I return herewith Enrolled **S 1224**, **S 1243**, as amended, **S 1303**, **S 1304**, **S 1331**, **S 1344**, **S 1408**, **S 1409**, **S 1410**, **S 1411**, **S 1412**, **S 1413**, and **S 1414** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1224**, **S 1243**, as amended, **S 1303**, **S 1304**, **S 1331**, **S 1344**, **S 1408**, **S 1409**, **S 1410**, **S 1411**, **S 1412**, **S 1413**, and **S 1414** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1279, as amended, as amended in the House, by Health and Welfare Committee, was read the first time at length and filed for second reading.

H 817, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Schroeder was recorded present at this order of business.

S 1445, by Finance Committee, was read the second time at length and filed for third reading.

H 787 and **H 631**, as amended, by Education Committee, were read the second time at length and filed for third reading.

H 646, by State Affairs Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 815, by Ways and Means Committee, was read the second time at length and filed for third reading.

H 636, as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

H 822, **H 823**, and **H 824**, by Appropriations Committee, were read the second time at length and filed for third reading.

H 629, by State Affairs Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 772, by Ways and Means Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 770, by Appropriations Committee, was read the second time at length and filed for third reading.

H 711, **H 508**, as amended, and **H 802**, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1322** retained its place on the Third Reading Calendar.

Senator Noble was recorded present at this order of business.

S 1443 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Burkett, Marley, McWilliams, Noh. Total - 4.

Total - 35.

Whereupon the President declared **S 1443** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Noble, granted by unanimous consent, **S 1441** retained its place on the Third Reading Calendar.

S 1351, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1351**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1314, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Ingram, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Werk, Williams. Total - 29.

NAYS--Cameron, Goedde, Hill, Kennedy, Malepeai, Stennett. Total - 6.

Paired and voting included in roll call:

AYE - Burkett NAY - Stennett

Total - 35.

Whereupon the President declared **S 1314**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 16, 2004

Mr. President:

I transmit herewith **H 835**, **H 836**, and **H 810** which have passed the House.

JUKER, Chief Clerk

H 835, **H 836**, and **H 810** were filed for first reading.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate recessed at 12:30 p.m. until the hour of 2 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 2 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Brandt, Bunderson, Burkett, Burtenshaw, Kennedy, Little, McKenzie, Noble, Noh, Pearce, Schroeder, Sorensen, Stegner, Stennett, and Williams, absent and excused.

Prior to recess the Senate was at the Ninth Order of Business, Messages from the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 835, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Committee.

H 836, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 810, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1346**, as amended, retained its place on the Third Reading Calendar.

Senators Brandt, Kennedy, Little, McKenzie, Pearce, Sorensen, Stegner, and Stennett were recorded present at this order of business.

S 1393, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--None.

Absent and excused--Bunderson, Burkett, Burtenshaw, Ingram, Noble, Noh. Total - 6.

Total - 35.

Whereupon the President declared **S 1393**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Senator Bunderson was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, **S 1346**, as amended, having been held, was placed before the Senate for consideration at this time.

S 1346, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 26.

NAYS--Brandt, Pearce, Sweet, Williams. Total - 4.

Absent and excused--Burkett, Burtenshaw, Ingram, Noble, Noh. Total - 5.

Total - 35.

Whereupon the President declared **S 1346**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1422**, as amended, and **H 693**, as amended in the Senate, retained their place on the Third Reading Calendar.

H 635, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk. Total - 29.

NAYS--None.

Absent and excused--Burkett, Burtenshaw, Ingram, Noble, Noh, Williams. Total - 6.

Total - 35.

Whereupon the President declared **H 635**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Senators Burkett and Noble were recorded present at this order of business.

H 586, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Sorensen, Stennett, Sweet, Werk. Total - 26.

NAYS--Burkett, Davis, Kennedy, Schroeder, Stegner. Total - 5.

Absent and excused--Burtenshaw, Ingram, Noh, Williams. Total - 4.

Total - 35.

Whereupon the President declared **H 586**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 651, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk. Total - 31.

NAYS--None.

Absent and excused--Burtenshaw, Ingram, Noh, Williams. Total - 4.

Total - 35.

Whereupon the President declared **H 651**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Senator Burtenshaw was recorded present at this order of business.

H 521, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk. Total - 30.

NAYS--Pearce, Richardson. Total - 2.

Absent and excused--Ingram, Noh, Williams. Total - 3.

Total - 35.

Whereupon the President declared **H 521** passed, title was approved, and the bill ordered returned to the House.

H 488, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Ingram, Noh. Total - 2.

Total - 35.

Whereupon the President declared **H 488** passed, title was approved, and the bill ordered returned to the House.

H 619, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Ingram, Noh. Total - 2.

Total - 35.

Whereupon the President declared **H 619** passed, title was approved, and the bill ordered returned to the House.

H 482, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Ingram, Noh. Total - 2.

Total - 35.

Whereupon the President declared **H 482**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 670, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Little, Lodge,

Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Ingram, Noh. Total - 2.

Total - 35.

Whereupon the President declared **H 670** passed, title was approved, and the bill ordered returned to the House.

Senator Noh was recorded present at this order of business.

H 585, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Sweet, Werk, Williams. Total - 27.

NAYS--Bailey, Burkett, Calabretta, Goedde, Malepeai, Marley, Stegner. Total - 7.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the President declared **H 585** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **S 1422**, as amended, having been held, was placed before the Senate for consideration at this time.

S 1422, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Cameron. Total - 1.

Total - 35.

Whereupon the President declared **S 1422**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **H 693**, as amended in the Senate, having been held, was placed before the Senate for consideration at this time.

H 693, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Cameron. Total - 1.

Total - 35.

Whereupon the President declared **H 693**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 669**, having been held, retained its place on the Third Reading Calendar.

H 633, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 633** passed, title was approved, and the bill ordered returned to the House.

H 502, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sorensen arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Goedde, Hill, Ingram, Little, Lodge, McKenzie, Noble, Sorensen, Stegner, Williams. Total - 18.

NAYS--Brandt, Burkett, Burtenshaw, Gannon, Geddes, Kennedy, Keough, Malepeai, Marley, McWilliams, Noh, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk. Total - 17.

Total - 35.

Whereupon the President declared **H 502** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 669**, having been held, was placed before the Senate for consideration at this time.

H 669 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Davis, Kennedy, Malepeai, Marley, McKenzie, Schroeder, Stennett, Werk. Total - 9.

Total - 35.

Whereupon the President declared **H 669** passed, title was approved, and the bill ordered returned to the House.

H 768 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Geddes, Hill, Ingram, Keough, Little, Lodge, McKenzie, Richardson, Sorensen, Sweet, Williams. Total - 18.

NAYS--Andreason, Burkett, Calabretta, Compton, Gannon, Goedde, Kennedy, Malepeai, Marley, McWilliams, Noble, Noh, Schroeder, Stegner, Stennett, Werk. Total - 16.

Absent and excused--Pearce. Total - 1.

Total - 35.

Whereupon the President declared **H 768** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Twelfth Order of Business.

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1444** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1444** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Calabretta. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1444 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Senator Goedde moved that **S 1444** be referred to the Fourteenth Order of Business for amendment. The motion failed for lack of a second.

The question being, "Shall **S 1444** pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--Bunderson, Goedde, Pearce, Richardson, Sweet. Total - 5.

Total - 35.

Whereupon the President declared **S 1444** passed, title was approved, and the bill ordered transmitted to the House.

Having voted on the prevailing side by which **H 502** passed the Senate, Senator Noble served notice that he may on this or the next legislative day move for reconsideration of the vote.

H 502 was ordered held at the Secretary's Desk.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:10 p.m. until the hour of 9:30 a.m., Wednesday, March 17, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary